

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Franklin David Clayton v Dept of Corrections**
Docket No. **288929**
L.C. No. **00-172553-FH**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The application for leave to appeal is DISMISSED because appellant, who is a prisoner under the supervision of the Department of Corrections, owes an outstanding fee of \$374 in the civil action of *Franklin v Dept of Corrections*, Docket No. 267124. A prisoner who is under the Department's supervision cannot file another civil appeal or original action until the prisoner pays the outstanding balance owed in an earlier civil action filed while under the Department's supervision. MCL 600.2963(8).

Accordingly, the motion to waive fees is also DISMISSED.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 20 2009
Date

Sandra Schultz Mengel
Chief Clerk